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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,413	07/18/2003	Michael Joseph McCloskey	TR-155-US	2791

29382 7590 11/01/2006

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EXAMINER
TRAN, DZUNG D

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,413	MCCLOSKEY ET AL.	
	Examiner	Art Unit	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bragg et al. US patent no. 6,959,149.

Regarding claims 1 and 12, Bragg discloses in Figure 1, a method for powering up an optical network, comprising the steps of:

(a) selecting an optical link between a transmitter and a receiver in the optical network, the optical link being divided into a number of sections by monitoring points located between the transmitter and the receiver (column 2, lines 34-61);

(b) selecting a first section of the optical link nearest to the transmitter in the optical network (column 2, lines 49-53);

(c) gradually increasing optical power of an optical signal provided to the selected section of the optical link from the transmitter until the optical signal is detected at the monitoring point belonging to the selected section (e.g., by amplifier).

(d) verifying if the detected optical signal is being detected at a correct location according to a network specification and if the power of the detected optical signal is at the expected level according to the network specification (e.g., calculating a mean power level of the optical signal from said optical measurement; (col. 2, lines 53-55);

(e) selecting a next section of the optical link adjacent to the previously selected section and further away from the transmitter in the optical network (col. 5, lines 30-43); and

(f) repeating the steps (c) to (e) until all sections in the optical link have been selected (col. 5, lines 30-43).

Regarding claim 2, Bragg discloses wherein the step of selecting an optical link comprises selecting an optical link that has one section and one first monitoring point located at the receiver (col. 2, lines 48-50).

Regarding claim 3, Bragg discloses wherein the step of gradually increasing the optical power comprises increasing the optical power continuously (e.g., by amplifier; col. 5, lines 30-43).

Regarding claim 4, Bragg discloses wherein the step of gradually increasing optical power comprises decreasing attenuation of attenuators in the optical network (col. 5, lines 30-43).

Regarding claim 5, Bragg discloses the step of setting attenuation of attenuators and gain settings of amplifiers in the selected section, the step being performed after the step (d) of verifying (col. 2, lines 53-55).

Regarding claims 6 and 13, Bragg discloses gradually increasing optical power comprises increasing the optical power in steps provided by sets of precalculated link budgets (col. 6, lines 56-62).

Regarding claim 7, Bragg discloses wherein the step of gradually increasing optical power comprises detecting the optical signal at the monitoring point by detecting a dither tone modulated onto the signal.

Regarding claim 8, Bragg discloses further comprising the step of reconnecting the selected section of the optical link according to the network specification, if the step (d) of verifying gives the results that the detected optical signal is not being detected at the correct location.

Regarding claims 9 and 10, Bragg discloses the method being performed on a pre-existing optical network so that pre-existing signals on the network are not being disturbed and pre-existing amplifier gain settings are not being changed (see Figure 1).

Regarding claim 11, Bragg discloses the method being performed on the link in the optical network remotely (see Figure 1).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Seydnejad U.S. Patent no. 6,519,066. System level stimulated Raman Scattering compensation

b. Hardcastle et al. U.S. Patent no. 6,178,025. Optical network loss of signal detection

c. Casanova U.S. Publication no. 2003/0194233. Automatic protection system for an optical transmission system

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran
10/18/2006

Dzung Tran

DZUNG TRAN
PRIMARY PATENT EXAMINER